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RUEHLO/AMEMBASSY LONDON PRIORITY 5885  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 2221  
RUEHCI/AMCONSUL KOLKATA PRIORITY 4019  
RUEHGV/USMISSION GENEVA PRIORITY 1988  
RUEKJCS/SECDEF WASHDC PRIORITY  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 3090  
RHEFDIA/DIA WASHDC PRIORITY  
RHMFISS/CDR USPACOM HONOLULU HI PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000198

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TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KDEM](#) [NP](#)

SUBJECT: NEPAL'S CONSTITUENT ASSEMBLY ELECTION: 51 DAYS  
AWAY?

Classified By: Charge d'Affaires Randy W. Berry. Reasons 1.4 (b/d).

Summary

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¶1. (C) On the eve of the first of two dates for filing candidate lists for Nepal's April 10 Constituent Assembly election, there is speculation in Kathmandu that the Interim Government will request that the Election Commission (EC) postpone the filing date. The EC is moving forward with election preparations in spite of the political crisis in the Terai. The Communist Party of Nepal - United Marxist Leninist and the Maoists are giving every indication of being ready to file their proportional candidate lists on February ¶20. For its part, the Prime Minister's Nepali Congress appears to have waited until the last minute to determine its proportional list.

Proportional Candidate List Filing Date In Question

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¶2. (C) Under the schedule announced in January by the Election Commission, political parties are obliged to file their candidate lists for the 335 proportional (PR) seats in Nepal's April 10 Constituent Assembly (CA) election on February 20. Candidate lists for the 240 first-past-the-post (FPTP) seats are due on February 25. Amod Upadyaya, a Nepali Congress (NC) Member of Parliament, adviser (and relative) of Prime Minister G.P. Koirala told Emboff February 19 that he had heard talk of delaying the filing date because of the current political impasse with the Madhesis. According to two local dailies, the Cabinet is expected to request the EC that the PR filing date be delayed until the FPTP filing date on February 25. (Note: The Interim Government requested and obtained a similar delay in September 2007 when the Government was attempting to persuade the Maoists to participate in the CA election, which was then scheduled for November.) According to another February 19 report, however, the Prime Minister told the Speaker of the Interim Parliament earlier in the day that there will be no delay.

UNMIN Concerned; EC Continues Preparations

13. (C) At a briefing for the diplomatic corps on February 18, the UN Mission in Nepal's (UNMIN's) Chief Election Adviser Fida Nasrallah confirmed what IFES reported to post February 15: namely that the EC has only 4 to 5 days flexibility in the current election schedule. It could delay the filing date for the PR lists and still hold an election on time -- barring other problems. IFES representative Peter Erben had added that any additional delay might require the EC to print the ballots in India, an option which the Election Commissioners found unacceptable on nationalist grounds. Nasrallah indicated further that discussions about holding a second phase of the election in the Terai were quietly under way and the EC was actively engaging in contingency planning for a disrupted poll in the troubled border region. Meanwhile, the EC finished its training of the 240 returning officers on February 18. (Note: The returning officers, consisting of judges and lawyers, will receive and vet the FPTP candidate lists.) An early morning bombing of the District Election Office in Nepalgunj in the midwestern Terai by Madhesi extremists on February 14, the same day the training was conducted in a Nepalgunj hotel, caused great concern at the Commission, according to Erben. Nasrallah added that UNMIN was preparing to deploy District Election Advisors in all 75 districts. At the EC's request the first wave would be deployed to the most sensitive districts -- Saptari, Siraha, Danusha, Bara, Sarlahi, and Rautahat -- all in the central and eastern Terai.

UML and Maoists Making Progress, But NC Lags  
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14. (C) Bhim Rawal, a Communist Party of Nepal - United Marxist Leninist (UML) Central Committee Member, told Emboff

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February 19 that the UML had finished its PR list and had submitted the list to the party's Standing Committee for final approval. He added that the party would submit its list on time. According to press reports, the Maoists have also prepared their PR list and plan to file. In contrast, Arjun Narsingh K.C., NC Spokesman and Central Committee Member, admitted to Emboffs February 15 that the NC remains internally divided, with the Prime Minister (who is also NC President) unable to resolve the country's or the party's issues, and no clear successor. Returning to Kathmandu after visiting 20 districts, he revealed his worries that it would be impossible for Nepal to hold the election because of the situation in the Terai and because the Maoist Young Communist League would steal the election in many hilly districts (so-called "booth capturing"). At same time, K.C. conceded that the NC and the country had no choice but to go to an election. Without an election, Nepal's government would have no legitimacy. He expected NC to prepare its PR and FPTP lists simultaneously. Prakash Sharan Mahat, NC Central Committee Member, informed Emboff February 19 that his party was still working on finalizing its PR list but claimed it would be in a position to file on February 20.

Madhesi Leaders Claim They Will Not File, But ...  
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15. (C) At a press conference on February 18 in the capital, Mahanta Thakur, the head of the Terai-Madhes Democratic Party (TMDP), announced that his party and the other two parties in the United Democratic Madhesi Front (UDMF) were not going to file PR lists on February 20 and refused to engage in dialogue with the Interim Government. Thakur said the ongoing Madhesi movement, referring to the Terai "bandh" (general strike) the UDMF launched on February 13, would continue until the UDMF demands were met. Madhesi People's Rights Forum chairman (and fellow UDMF leader) Upendra Yadav declared at the same press conference that the Interim Government was trying to suppress the Madhesi agitation and that a CA election would not be possible if the UDMF's demands were not fulfilled. The press conference followed 45-minute long talks between the Prime Minister, Thakur and

the head of the third UDMF party, Rajendra Mahato of the Nepal Sadbhavana Party, on February 15. (Yadav was in the Terai on the 15th.) According to lower level Madhesi leaders, the February 19 announcement was prompted by PM Koirala's public statement on February 16 that he could not accept two of the Madhesi demands: a single Madhesi state and a Madhesi right to self-determination. The death of a Madhesi protester in Nepalgunj in a clash with police also antagonized the Madhesi leaders.

16. (C) Note: At close of business, February 19, however, the Madhesi talks teams, consisting of representatives from all three UDMF parties, were in talks at the PM's residence.

Comment

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17. (C) It appears likely that February 20, the first of two key filing dates for Nepal's upcoming Constituent Assembly election, may slip. The Chief Election Commissioner confided to the Charge at a Democracy Day event the afternoon of February 19, that he too was hearing talk of a filing date postponement. While it is possible as the Prime Minister's Foreign Policy Adviser insisted to Charge at the same event, that the talks with the Madhesis will bear fruit in the coming hours, that seems questionable. According to post's information, the Madhesi parties have not yet prepared their candidate lists and will need a few days to do so, even if they are persuaded to file. Moreover, the Prime Minister's Nepali Congress will be hard-pressed to finish its candidate list in time and would probably welcome a delay. The challenge for Koirala will be to persuade UML General Secretary MK Nepal and Maoist chief Pushpa Dahal to agree to

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a delay. While Nepal and Dahal recognize the importance of having the Madhesi groups participate, they will probably blame the PM for allowing the crisis to reach this point --

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and with good reason. Post will report septel on the key Madhesi demands and the prospects for ending the indefinite general strike in the Terai.

BERRY